

First, with respect to USP 5,658,361 to Arencibia, Jr. (hereinafter "Arencibia") cited by the Examiner in paragraph 1 on page 2 of the subject action,<sup>1</sup> applicants note that no disclosure is present therein regarding the technical feature of ***measuring the amount and type of released particles*** in the exhaust gas stream. Arencibia shows removing particulate fouling when the heat exchange rate is below minimum, so as to return the heat exchange rate to a desired range, but Arencibia does not at all teach to measure the released particles.

Second, independent claims 21 and 37 relate to a single general inventive concept which has the additional shared technical feature. More specifically, independent claim 21 requires:

- linking together and storing into an electronic memory the ***location information*** of the parts of the heat exchange surfaces being cleaned and the particle ***measurement data*** created during the cleaning so as to create information of the fouling on the heat exchange surfaces as a function of the location of the heat exchange surfaces,

which is equivalent to the limitation of claim 37 of:

- means for linking together and storing in an electronic memory the location information of the parts of the heat exchange surface being cleaned and the particle measurement data created during the cleaning of said parts so as to create information of the fouling on the heat exchange surfaces.

The common technical features noted above in claims 21 and 37 are clearly *not* disclosed in Arencibia or in any other publication of which the applicants are aware. As such, applicants respectfully suggest that there would be no undue burden with the Examiner examining on the merits all claims pending herein. In other words, there is no

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<sup>1</sup> Since a form PTO-892 did not accompany the subject Official Action, there is attached hereto a form PTO/SB08 which lists Arencibia, Jr. thereon to ensure it is definitely made of record herein.

**ROSIN**  
**Serial No. 10/549,280**  
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Patent Office economy of resources that can be achieved through the present restriction requirement.

Reconsideration and withdrawal of the restriction requirement is therefore in order.

## **2. Response to Species Election**

In response to the species election requirement, applicants hereby elect the following: Species 3: optimizing the operation parameters.

The claims readable on the elected species appear to be claims 21-26, 29, 30/29, 31-41. With the exception of claims 29 and 30/29 all other claims appear to be generic to the disclosed Species 1, 2 and 3.

## **3. Fee Authorization**

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: /Bryan H. Davidson/  
Bryan H. Davidson  
Reg. No. 30,251

BHD:dlb  
901 North Glebe Road, 11<sup>th</sup> Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100